

AMENDED IN ASSEMBLY MAY 12, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 770**

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**Introduced by Assembly Member Torres  
(Coauthor: Assembly Member Ammiano)**

February 26, 2009

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An act to add ~~Section 16000.5~~ *Sections 16000.5 and 16000.6* to the Welfare and Institutions Code, relating to Indian tribes.

### LEGISLATIVE COUNSEL'S DIGEST

AB 770, as amended, Torres. Indian tribes: foster care and adoption programs.

Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. Existing law includes specified findings and declarations of the Legislature relating to child welfare services.

This bill would make it the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill would require the State Department of Social Services to negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the state to administer all or part of the programs under specified provisions of federal law relating to foster care and adoption assistance, on behalf of the Indian children who are under the authority of the tribe, organization, or consortium.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 16000.5 is added to the Welfare and  
2     Institutions Code, to read:  
3     16000.5. The Legislature finds and declares all of the following:  
4     (a) The Fostering Connections to Success and Increasing  
5     Adoptions Act of 2008 (Public Law 110-351) provides Indian  
6     tribes with the option, effective October 1, 2009, to operate a foster  
7     care, adoption assistance, and, at tribal option, a kinship  
8     guardianship assistance program under Title IV-E of the Social  
9     Security Act (42 U.S.C. Sec. 671 et seq.). The federal government  
10    will share the costs of a tribe operating an approved Title IV-E  
11    program.  
12    (b) It shall be the policy of the state to maximize the  
13    opportunities for Indian tribes to operate foster care programs for  
14    Indian children pursuant to the federal Fostering Connections to  
15    Success and Increasing Adoptions Act of 2008.  
16    ~~(c)~~  
17    SEC. 2. Section 16000.6 is added to the Welfare and Institutions  
18    Code, to read:  
19    16000.6. The State Department of Social Services shall  
20    negotiate in good faith with the Indian tribe, organization, or  
21    consortium in the state that requests development of an agreement  
22    with the state to administer all or part of the programs under Title  
23    IV-E of the Social Security Act (42 U.S.C. Sec. 671 et seq.) on  
24    behalf of the Indian children who are under the authority of the  
25    tribe, organization, or consortium.